

June 2003

Frequently Asked Questions

Eligibility for Federal Assistance for Rehabilitation of Aging Dams

The Watershed Rehabilitation Amendments to the Watershed Protection and Flood Prevention Act (PL 83-566) authorizes the USDA Natural Resources Conservation Service (NRCS) to work with local communities and watershed project sponsors to address public health and safety concerns and potential adverse environmental impacts of aging dams. The following provides answers to frequently asked questions concerning eligibility requirements for federal assistance with rehabilitation of aging dams.

Q. Are all dams eligible for rehabilitation under this legislation?

- A.** Only dams that were constructed under the following USDA assisted water resource programs qualify for rehabilitation assistance:
- Watershed Program (PL-534 Flood Control Act of 1944 and PL-566 Watershed Protection and Flood Prevention Act),
 - Pilot Watershed Program (1952-1954), and
 - Resource Conservation and Development Program.

Q. How many dams are eligible for assistance under this legislation?

- A.** More than 11,000 flood control dams installed in 47 states since 1948. The three states without watershed dams are Alaska, Delaware, and Rhode Island.

Q. How much money does this legislation provide?

- A.** This legislation provides authorization only. Funds must be appropriated annually through Congress. The legislation authorizes up to \$600 million during the 5 year period FY-2003-2007 (FY2003, \$90 million; FY-2004, \$105 million; FY-2005, \$120 million; FY-2006, \$135 million; FY-2007, \$150 million).

Q. What is meant by "rehabilitation"?

- A.** The authorization defines rehabilitation as all work necessary to extend the life of the dam and meet applicable safety and performance standards. Rehabilitation can include:
- Extending the life of the dam.
 - Addressing deterioration of components of the dam.
 - Repairs from catastrophic storms.
 - Upgrades needed to meet state dam safety laws.
 - Decommissioning (removal of the dam).

Q. How much federal financial assistance can be provided for rehabilitation of a dam?

- A.** Federal funds are limited to 65 percent of the total cost of a rehabilitation project but shall not exceed 100% of the cost of construction. The total cost includes construction, land rights, project administration, and other planning and implementation costs associated with the project.

Q. Who covers the remaining costs?

- A.** Local project sponsors are responsible for funding the remaining 35 percent of the project. These funds may include cash or "in-kind" costs for the value of land rights, project administration, and other planning and implementation costs associated with the project.

Q. Can federal funds pay for operation and maintenance of the dam?

- A.** Federal funds cannot be used for operation and maintenance activities. The statute specifically states that sponsors will continue to be responsible for operation and maintenance of the dam. Note: If the dam needs rehabilitating because of inadequate operation and maintenance, the local sponsors are ineligible for rehabilitation funds.

Q. What other requirements impact the use of the rehabilitation funds?

- A.** Rehabilitation projects must meet the requirements of the National Environmental Policy Act. Cultural resources, historic preservation, and threatened or endangered species issues must be considered in the planning process.

Q. Who helps plan the rehabilitation project?

- A.** Local sponsors lead the planning effort with assistance from NRCS. Sponsor's staff and private consultants may also assist with the planning of the project. The planning process will include public participation to determine the resource needs of the project area and to consider all viable alternatives.

Q. Are there requirements for designing a rehabilitated dam?

- A.** The dam must meet current NRCS design standards, applicable state dam safety requirements, and other applicable state and local laws.

Q. How long does it take to plan a rehabilitation project?

- A.** In most cases, adequate planning takes a minimum of one year to complete the process. The complexity and potential controversy of alternative solutions can add to the timeframe.

Q. How do sponsors and community leaders request assistance for rehabilitation?

- A.** Local sponsors must submit form SF-424 "Request for Federal Assistance" to request assistance in rehabilitating their dam. The form—available from the local NRCS office—includes questions on the size and condition of the dam and the impact it has on the community.

Q. Who decides which projects are funded?

- A.** The NRCS State Conservationist determines the priority of projects to be funded within each state. A priority ranking system is used to identify high priority rehabilitation projects. The state dam safety agency provides input into the ranking process.

Q. What can sponsors do now?

- A.** Sponsors can help increase public awareness of the importance of flood control dams to their community. They can identify additional resource needs that could be addressed in a potential rehabilitation project. Specifically, sponsors could do the following:
- Identify high priority rehabilitation needs in their project.
 - Determine availability of land rights.
 - Assure that operation and maintenance is current for all their dams.
 - Arrange for financing the 35 percent local cost share.

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